

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** Thursday, May 17, 2007

**ATTACHMENTS:**

1. Staff Report
2. Vicinity Map
3. Application Materials
4. Review Agency Response Form – Fire Marshal's Office
5. Phase I Development Plans

**SUBJECT:** Phase I Development Plan for Seven Falls

#### **SUMMARY OF REQUEST:**

Mr. William Lapsley on behalf of Mountain Development Company, LLC, owner and developer, submitted the Phase I Development Plan application for Seven Falls Golf and River Club. Phase I will have 126 single-family residential lots and 38 townhome units on approximately 226 acres of land.

#### **STAFF RECOMMENDATION**

Staff has numerous comments regarding the Phase I Development Plan some of which were conditions of the Master Plan approval. The proposed Phase I Development Plan appears to meet the standards of the Subdivision Ordinance except for the issues addressed in the Staff Comments section of the Staff Report.

Staff recommends that the Planning Board either approve the Phase I Development Plan subject to the developer addressing staff's comments and any other issues raised by the Planning Board or deny the Phase I Development Plan until these issues are addressed. If the Planning Board denies the Phase I Development Plan the applicant must resubmit a new Phase I Development Plan application for review by the Planning Board at a later meeting.

#### **PLANNING BOARD ACTION**

##### Suggested Motion

I move that the Planning Board find and conclude that the Phase I Development Plan complies with the provisions of the Subdivision Ordinance except for those matters addressed in Staff Comments section of the Staff Report that need to be addressed;

AND

I further move that the Phase I Development Plan be approved subject to the following conditions: the applicant satisfies any conditions that result from the comments in the Staff Report and any other conditions that may result from discussion at the Planning Board meeting.

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## Henderson County Planning Department Staff Report

### Phase I Development Plan for Seven Falls Golf and River Club Major Subdivision (File # 07-M19)

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#### **PROJECT OVERVIEW**

Mr. William Lapsley on behalf of Mountain Development Company, LLC, owner and developer, submitted the Phase I Development Plan application for Seven Falls Golf and River Club. Phase I will have 126 single-family residential lots and 38 townhome units on approximately 226 acres of land. Access for Phase I appears to come off of the existing location of Pleasant Grove Road (see comment 3). Private roads are proposed.

Individual wells and individual septic systems are shown on the Phase I Development Plans but according to the Master Plan approval on April 19, 2007 the Planning Board will require that the subdivision have public water (City of Hendersonville) and either community or private sewer. The Planning Board stated that this must be worked out before approval of Phase I. The subdivision is located in the Open Use Zoning District which does not regulate the residential use of land. It appears that the Mountain Ridge Protection Ordinance does not affect any lots in Phase I.

#### **STAFF COMMENTS**

1. **Stream Setbacks.** A minimum thirty-foot setback for buildings or other structures is required along all perennial streams. The thirty-foot setback must be noted on the final plat (HCSO 170-37, A).
2. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NC DENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required prior to beginning construction (HCSO 170-19).
3. **Access to Phase I.** It appears that access for Phase I will come off of the existing location of Pleasant Grove Road. It is unclear how Phase I will connect to proposed subdivision roads. The applicant should clarify at the Planning Board meeting the access to Phase I. Any changes to the Plan will result in revised Plans being submitted to the Planning Department for review.
4. **Flag Lots.** Lots 18, 19 and 20 appear to be flag lots. Lots 18 and 19 do not meet the minimum 30-foot width for frontage (§170-31, D). The applicant must submit revised Plans to the Planning Department for review showing that lots 18 and 19 meet the 30-foot minimum frontage requirement.
5. **Gates.** All proposed gates must meet the minimum standards of the Entry Gates Ordinance (Chapter 87 of the Henderson County Code).
6. **Bridges.** Section 170-21, I of the Subdivision Ordinance requires the applicant to submit a copy of the bridge design plans. Said Plan must show certification from a registered professional engineer indicating that the bridge plans meet state road standards for drainage, hydraulics and minimum live load. As-built drawings of the bridges with certification from a registered professional engineer that the bridges meet state road standards will be required prior to final plat approval or the release of any improvement guarantee.

7. **Townhouse Development.** The applicant has proposed 40 attached townhouse units in Phase I. The review for townhouse development is outlined in Section 170-15 of the HCSO. Sections 170-15 of HCSO states that applications for townhouse developments shall be prepared in conformance with § 170-16 (review for major subdivisions), Articles IV (all areas of review for major subdivisions which includes minimum design standards for roads, water and sewer systems, right-of-way and etc.), Article V (subdivision improvement guarantees) and Article VI (application, enforcement and legal status provisions). Section 170-15 also states that § 170-21F (minimum curve radius), § 170-21G (intersections), § 170-27 (right-of-way access), § 170-31A (lot dimensions) and § 170-31D (lot configuration and frontage) may be modified by the Planning Board. It also states that the Planning Board may use discretion in applying subdivision standards. Portions of Phase I have duplex townhouse units. These units appear to be surrounded by common area with no proposed rights-of-way. It appears that the applicant will be requesting modifications to some of the requirements listed above. The applicant should submit to the Planning Department for review cross-sections or a plan view of the design for the driveways and roads serving the townhouses. The Subdivision Ordinance currently does not have any requirements for driveways or roads serving townhouse units. Therefore all proposed roads and driveways must meet the minimum standards for private roads and must be built before approval of a final plat or release of any improvement guarantee.
8. **Cul-de-sac.** It appears that the cul-de-sac cross section or plan view is missing from the Plan. Revised Plans with these items must be submitted to the Planning Department for review.
9. **Closing of Public Rights-of-way.** As mentioned during Master Plan approval the applicant has proposed to close sections of two public roads, Pleasant Grove Road and Pleasant Grove Church Road. NCDOT will have to approve of these changes. The Board of Commissioners will also have to approve of this pursuant to G.S. 153A-241. Staff feels that the approval of the proposed subdivision design should be contingent upon the approval of these public road relocations. Therefore staff suggests that Phase I Development Plan approval be contingent upon all necessary agencies approving the relocation of these roads. If the road relocations are not approved then the Phase I Development Plan approval will be rendered null and void.
10. **Minimum Curve Radius.** It appears that on the Plan some of the centerline curve radii are less than the 110-foot minimum for private residential collector roads. In areas where the cross slope does not exceed 15 percent the centerline curve radii must comply with the minimum of 110 feet. Where the existing cross slope on private collector roads is 15% or greater a minimum centerline radius of 80 feet is permitted. The Final Plat(s) must have a notation that states where the existing cross slope exceeds 15 percent a minimum centerline radius of 80 feet are permitted, if applicable (170-21F of the HCSO). At the meeting the applicant should clarify if the centerline curve radii are being reduced due to cross slopes. If not, revised Plans should be submitted to the Planning Department demonstrating compliance with the regulations.
11. **Farmland Preservation District.** The Affidavit of Understanding of Farmland Preservation District (Appendix 11) was not submitted. Since the property is within ½ mile of the French Broad and Jeter Mountain Agriculture Districts, an Affidavit must be submitted pursuant to Section 170-35 of the HCSO. The Final Plat should include a notation that the

property is within ½ mile of land in a Farmland Preservation District (HCSO 170-35 and Appendix 7).

12. **Road Grade.** A professional engineer or professional land surveyor must certify on the final plat that no portion of private roads have grades that exceed the maximum allowable grade, which is 18 percent grade for paved local residential roads and 16 percent grade for paved collector roads.

**Conditions from the Master Plan that must be satisfied during review of Phase I.**

13. **Ownership.** It appears from County records that the owner and developer of the project, Mountain Development Company, LLC, does not own all of the parcels identified in the subdivision. The applicant must submit agent forms for all people who own property shown as part of Seven Falls. Staff suggests that the Planning Board require, as a condition of approval, Mountain Development Company, LLC, and/or its agent to provide staff with agent forms for every current property owner in Seven Falls. Agent forms must be provided before construction can begin on the project.
14. **Water and Sewer.** During Master Plan approval the Planning Board made a condition that no individual wells and septic systems would be allowed in Seven Falls. The Planning Board stated that the applicant must connect to the public water system (City of Hendersonville) and a private community sewerage system. The applicant appears to be working out the details for connecting to a public water line with the City of Hendersonville. The Planning Board wanted the above issues addressed before the review of the Phase I Development Plan. Staff suggests that the Planning Board make this a condition of the Phase I Development Plan approval.
  - a. According to the HCSO, the applicant must provide evidence that the water supply and sewer system plans have been approved by the appropriate agency. All public or private (community) water supply and sewerage systems shall be installed and shall meet the requirements of the Henderson County Health Department or other government authorities having jurisdiction thereof. The development plan may be approved contingent on final approval from such agencies; however, the final plat shall not be approved until all such final approvals have been obtained. Any subdivision served by a public water system shall meet the respective county or municipality's minimum requirements for fire hydrants installation (HSCO 170-20). The Henderson County Fire Marshal's Office has requested that hydrants are spaced 1000 feet apart or closer.
15. **Fire Protection.** The Planning Board made a condition that an adequate (acceptable to the Henderson County Fire Marshal and the developer) agreement be reached with the Henderson County Fire Marshal's office regarding fire protection for Seven Falls. The Planning Board stated that this condition must be addressed before review of the Phase I Development Plan. The applicant should be ready to discuss with the Planning Board the measures for providing fire protection during the meeting.
16. **Access to the Pleasant Grove Baptist Church.** It was unclear on the Master Plan if the Church had proper access to Pleasant Grove Road or Pleasant Grove Church Road. The Planning Board made a condition that access be provided to the Church, which is

acceptable to the Church. Access to the Church must be clearly shown on any revised Plans and on the Development Plan(s) for this portion of the subdivision.

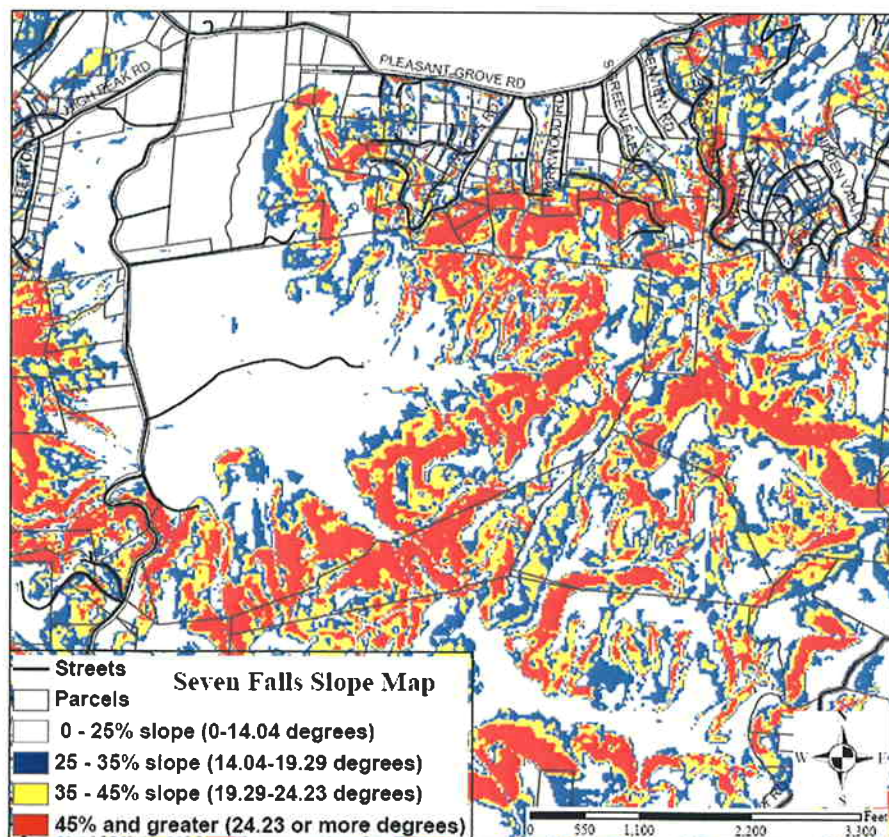
17. **Access to the Cemetery.** The Planning Board was concerned about access, for people who live outside of Seven Falls, to the existing cemetery located in the Village area of the project. The Planning Board made a condition that adequate access be provided to the cemetery for these people. Said cemetery must be clearly shown and delineated on the Development Plan pursuant to Appendix 5 of the Subdivision Ordinance.

### **Review Agency Comments**

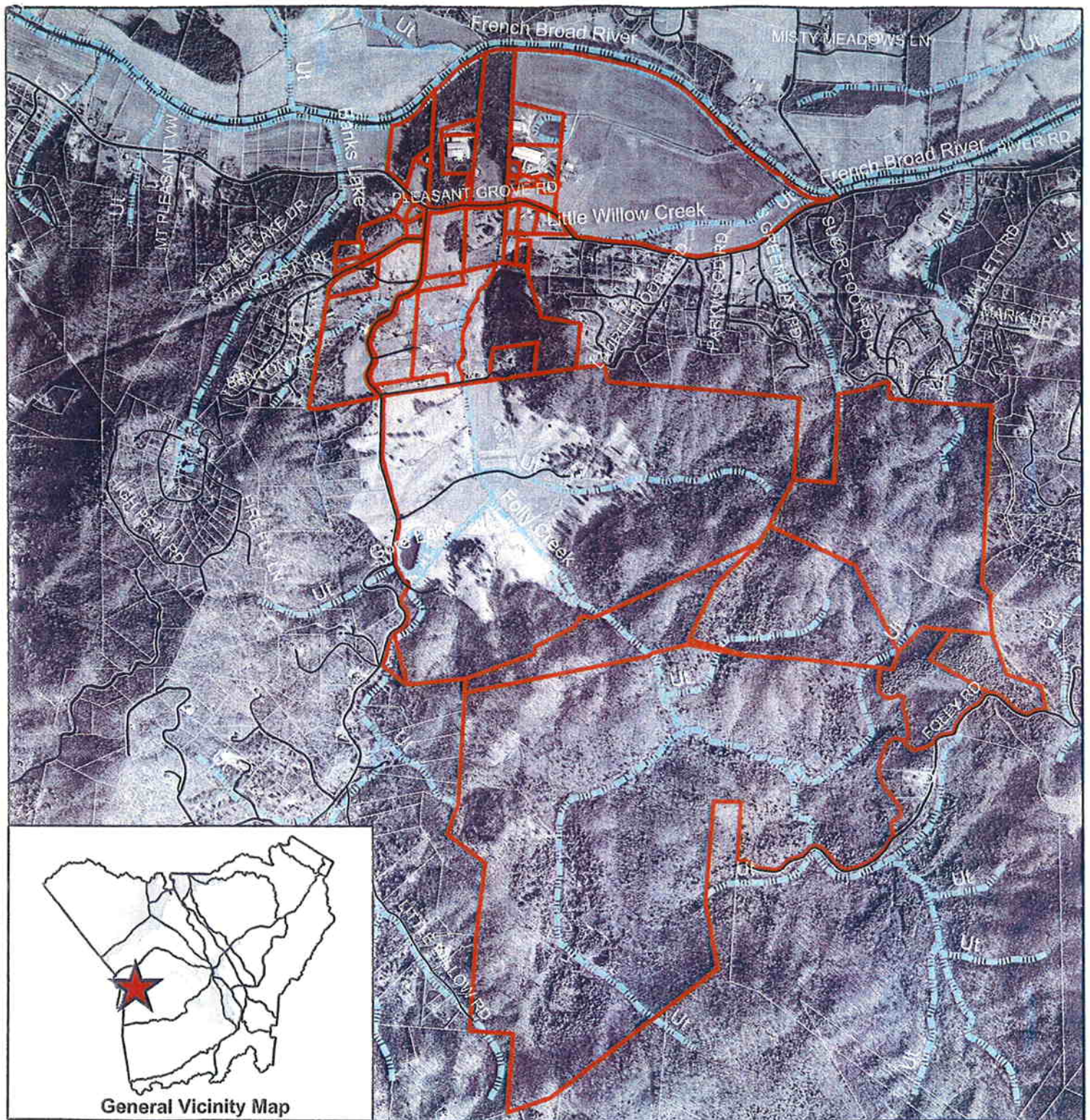
18. **Comments from the Fire Marshal.** See attached comments from the Henderson County Fire Marshal's office. Note: The Planning Board can only require the applicant to meet the minimum standards of the Subdivision Ordinance; the Planning Board may not have the authority to require any additional standards.

### **Other Comments:**

19. **Slopes.** Below is a slopes map of the approximate location of Phase I. This map has been provided for informational purposes only. Pursuant to the goals of the CCP, the applicant should work to protect steep slopes and leave them in their natural state with only limited development. Note: Henderson County does not have any regulations for development on steep slopes. The Planning Board can only require the applicant to meet the minimum standards of the Subdivision Ordinance.







## Seven Falls Golf & River Club

DEVELOPER & OWNER: Mountain Development Company, LLC

AGENT: William Lapsley & Associates P.A.

ZONING: OU

WATERSHED: None

WATER SYSTEM: Private Well and/or Community

SEWER SYSTEM: Private Septic and/or Community

ROAD SYSTEM: Private



### LEGEND

- Roads
- Parcels
- Surface Water
- Seven Falls

Map Created by the Henderson County Planning Department on 4/2/07  
(see Master Plan for exact location of project and more information)



**HENDERSON COUNTY  
SUBDIVISION APPLICATION FORM**



Date of Application \_\_\_\_\_ Subdivision Name SEVEN FALLS GOLF RIVER CLUB  
PHASE I Application Number \_\_\_\_\_

☒ Major Subdivision ☐ Minor Subdivision ☐ Other

Property Owners Name: MOUNTAIN DEVELOPMENT CO., LLC

Address: 32 ORANGE STREET

City, State, Zip: ASHEVILLE, NC 28803

Owner's Agent: WILLIAM G. LARLEY

Telephone No: 697-7334

PIN \_\_\_\_\_ Deed Book/Page \_\_\_\_\_

Zoning District OU Fire District ETOWAH Watershed —

Location \_\_\_\_\_ of \_\_\_\_\_ property \_\_\_\_\_ to \_\_\_\_\_ be

divided: US HWY 64 TO ETOWAH SCHOOL ROAD TO PLEASANT GROVE  
ROAD.

Type of Subdivision: ☒ Residential ( ) Commercial ( ) Industrial Present Use \_\_\_\_\_

No. Lots Created \_\_\_\_\_ Original Tract Size \_\_\_\_\_ New Tract Size \_\_\_\_\_ No. New Lots \_\_\_\_\_

Road System: ( ) Public ☒ Private ( ) Combination Public and Private

Water System: ☒ Individual ( ) Community ( ) Municipal

Sewer System: ☒ Individual ( ) Community ( ) Municipal

Fee: \$ \_\_\_\_\_ Paid \_\_\_\_\_ Method CHECK

I certify that the information shown above is true and accurate and is in conformance with the Henderson County Subdivision Ordinance.

WILLIAM G. LARLEY   
APPLICANT (OWNER OR AGENT) DATE \_\_\_\_\_

Development \_\_\_\_\_ Plan \_\_\_\_\_ Approval \_\_\_\_\_ / \_\_\_\_\_ Conditions \_\_\_\_\_

Final Plat Approval: \_\_\_\_\_ Plat Recorded \_\_\_\_\_

## HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application #2007-M19 (Seven Falls) and offer the following comments:

**Hydrants** – The NC Fire Prevention Code requires a fire hydrant located within 400 feet of any portion of a commercial building (clubhouse, proshop, multifamily dwellings with more than two units). Residential structures should be located within 1000 feet of a fire hydrant.

**Roads** – The additional road mileage created by this development will require an additional station for Etowah Horse-Shoe fire department in order to maintain the six road mile limit required by the NC Department of Insurance. Access roads must provide 13'6" vertical clearance and extend to within 150 feet of any portion of a commercial building. Roads located within a flood zone should be constructed in a manner to prevent closure due to flooding.

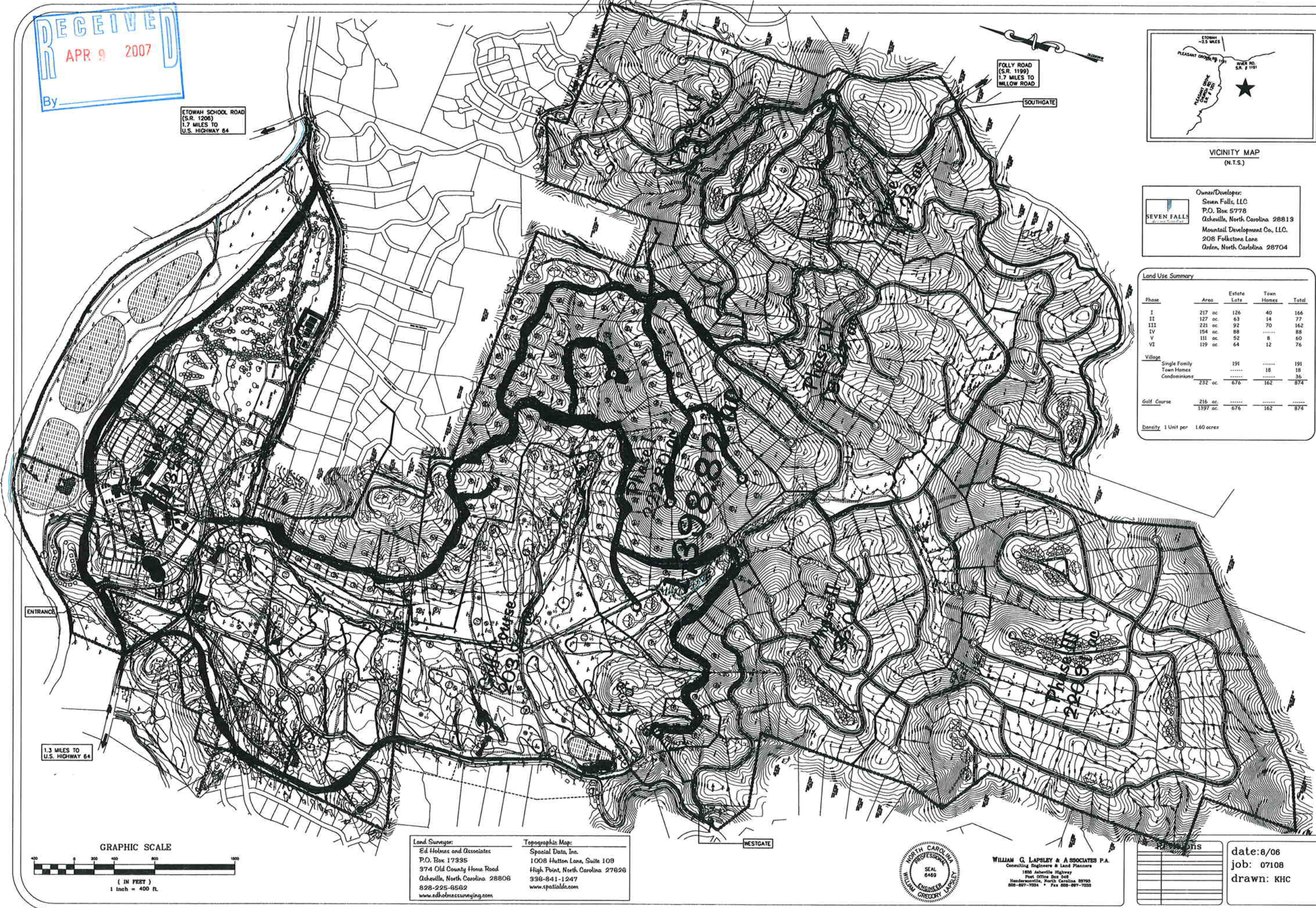
**Entry Gates** – Should comply with the Henderson County Entry Gate Ordinance.

<u>Rocky Hyder</u>	<u>Emergency Services</u>	<u>5/03/07</u>
Reviewed By	Agency	Date

Please return to: Matt Card, Planner  
Henderson County Planning Department  
213 First Avenue East  
Hendersonville, NC 28792  
mscard@hendersoncountync.org

**File No. 2007- M19**





WILLIAM G. LAPSLEY & ASSOCIATES P.A.  
CONSULTING ENGINEERS & LAND PLANNERS  
HENDERSONVILLE, NORTH CAROLINA

SEVEN FALLS  
GOLF & RIVER CLUB  
HENDERSON COUNTY  
NORTH CAROLINA

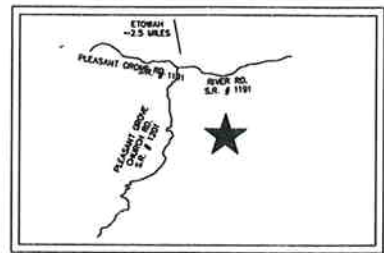
MASTER PLAN  
PHASE MAP OF DEVELOPMENT PLANS

sheet  
1 of 25

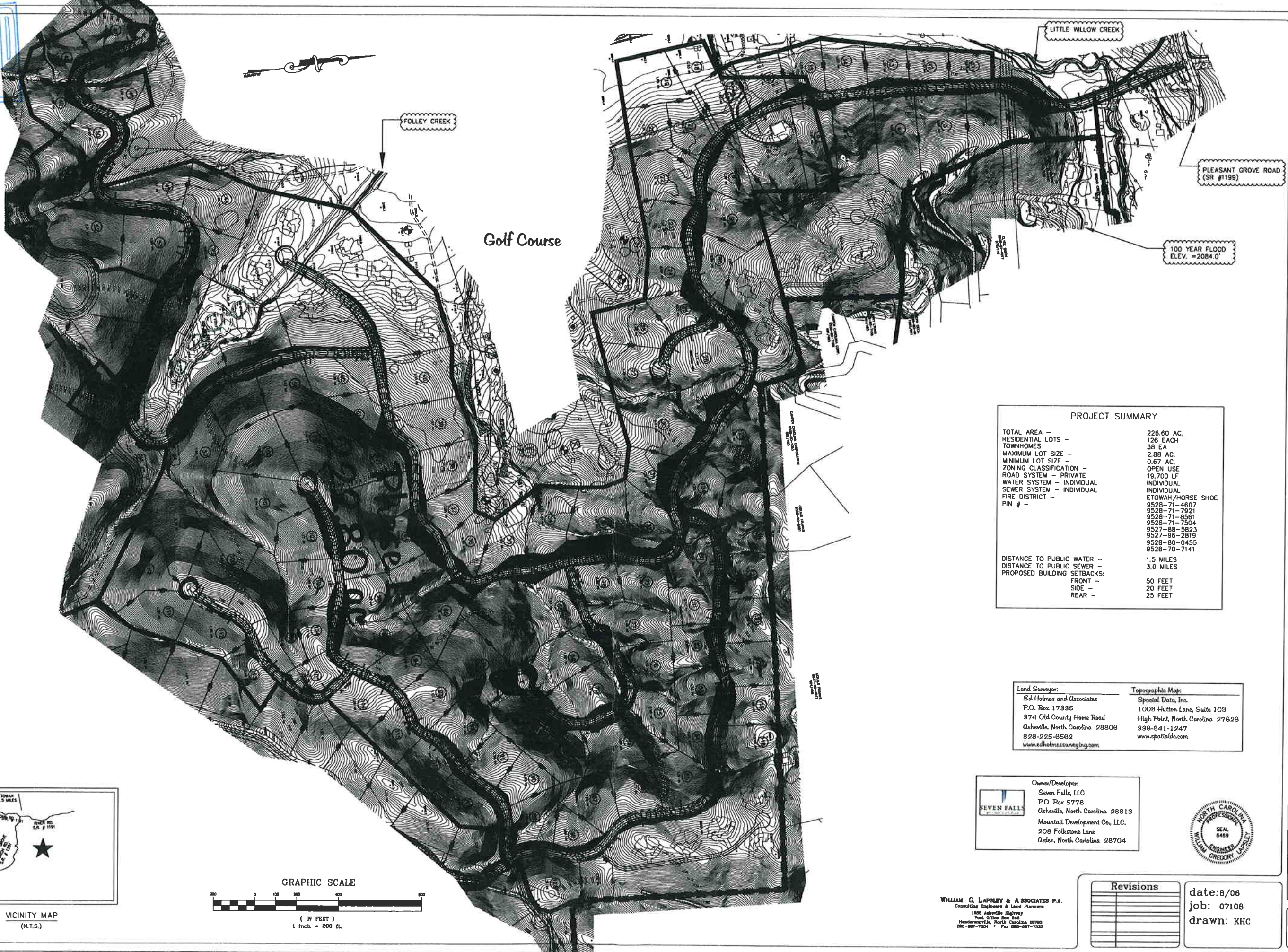
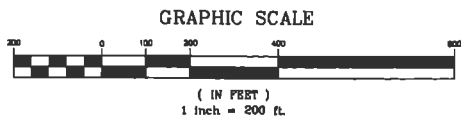


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VICINITY MAP  
(N.T.S.)



PROJECT SUMMARY	
TOTAL AREA -	226.60 AC.
RESIDENTIAL LOTS -	126 EACH
TOWNHOMES	38 EA
MAXIMUM LOT SIZE -	2.88 AC.
MINIMUM LOT SIZE -	0.67 AC.
ZONING CLASSIFICATION -	OPEN USE
ROAD SYSTEM - PRIVATE	19,700 LF
WATER SYSTEM - INDIVIDUAL	INDIVIDUAL
SEWER SYSTEM - INDIVIDUAL	INDIVIDUAL
FIRE DISTRICT -	ETOWAH/HORSE SHOE
PIN # -	9528-71-4607 9528-71-7921 9528-71-8561 9528-71-7504 9527-88-5823 9527-96-2819 9528-80-0455 9528-70-7141
DISTANCE TO PUBLIC WATER -	1.5 MILES
DISTANCE TO PUBLIC SEWER -	3.0 MILES
PROPOSED BUILDING SETBACKS:	
FRONT -	50 FEET
SIDE -	20 FEET
REAR -	25 FEET

Land Surveyor:	Topographic Map:
Ed Holmes and Associates P.O. Box 17935 374 Old County Home Road Asheville, North Carolina 28808 828-225-8582 www.edholmessurveying.com	Special Data, Inc. 1008 Hutton Lane, Suite 108 High Point, North Carolina 27628 336-841-1247 www.spatialde.com

Owner/Developer:  
Seven Falls, LLC  
P.O. Box 5778  
Asheville, North Carolina 28813  
Mountain Development Co., LLC  
208 Folkstone Lane  
Asheville, North Carolina 28704



WILLIAM G. LAPSLEY & ASSOCIATES P.A.  
Consulting Engineers & Land Planners  
1885 Asheville Highway  
Post Office Box 948  
Hendersonville, North Carolina 28750  
888-687-7354 • Fax 888-687-7355

Revisions

date: 8/06  
job: 07108  
drawn: KHC

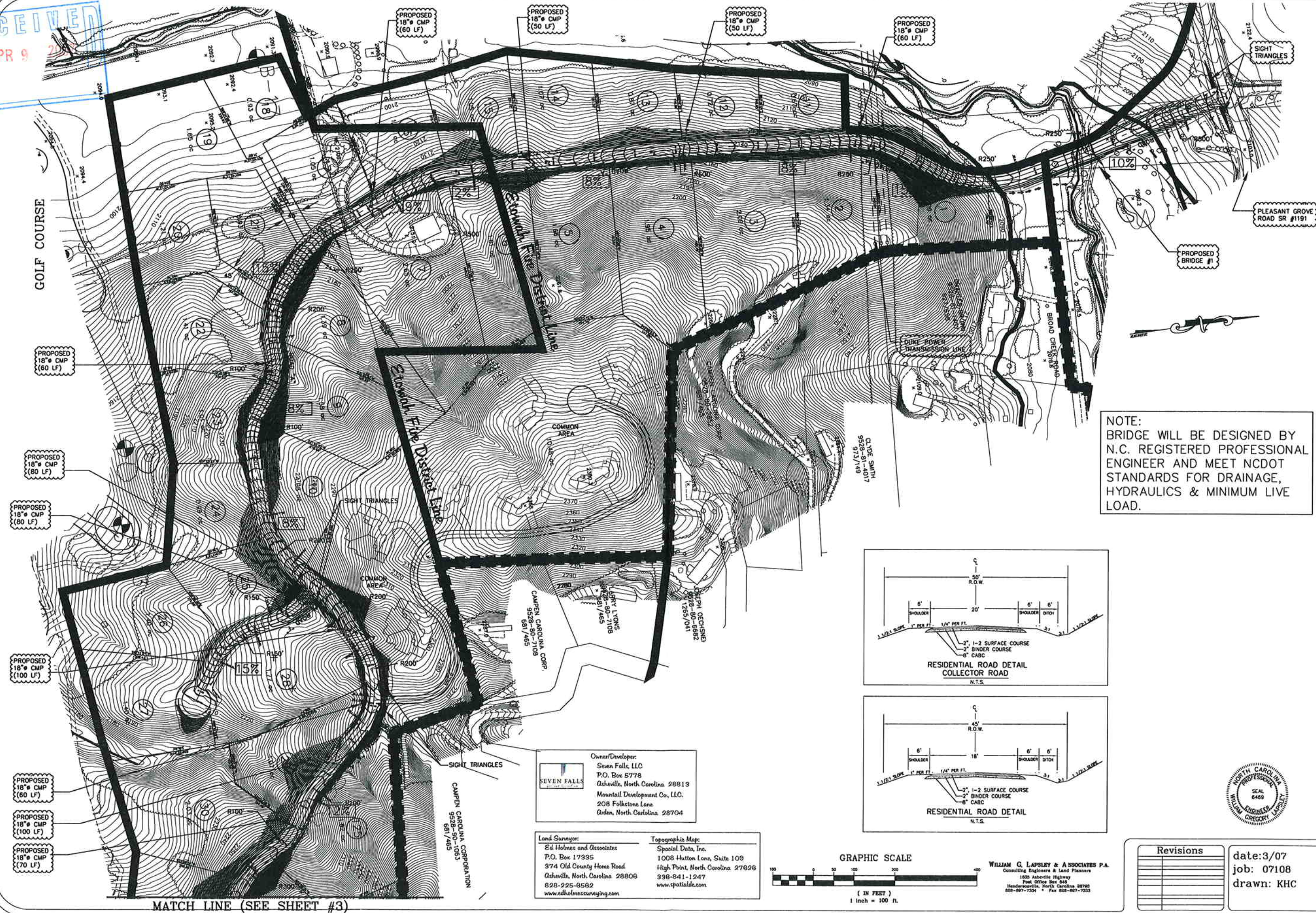


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HENDERSONVILLE, NORTH CAROLINA

SEVEN FALLS  
GOLF & RIVER CLUB  
HENDERSON COUNTY  
NORTH CAROLINA

PROPOSED - PHASE I  
SITE DEVELOPMENT PLAN






  
**WILLIAM G. LAPSELEY & ASSOCIATES P.A.**  
 CONSULTING ENGINEERS & LAND PLANNERS  
 HENDERSONVILLE, NORTH CAROLINA

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SEVEN FALLS  
 GOLF & RIVER CLUB  
 HENDERSON COUNTY  
 NORTH CAROLINA

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PROPOSED PHASE I  
 SITE DEVELOPMENT PLAN  
 NORTH SECTION

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sheet

3 of 25

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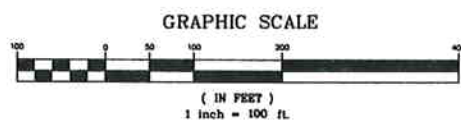
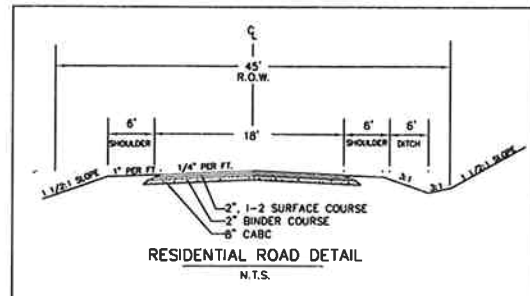
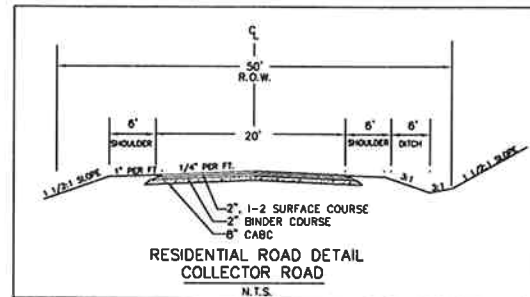
PROPOSED PHASE I  
SITE DEVELOPMENT PLAN  
NORTH SECTION

sheet  
3 of 25



MATCH LINE (SEE SHEET #4)

MATCH LINE (SEE SHEET #2)



### FUTURE DEVELOPMENT

NOTE:  
BRIDGE WILL BE DESIGNED BY  
N.C. REGISTERED PROFESSIONAL  
ENGINEER AND MEET NCDOT  
STANDARDS FOR DRAINAGE,  
HYDRAULICS & MINIMUM LIVE  
LOAD.

**Land Surveyor:**  
Ed Holmes and Associates  
P.O. Box 17935  
374 Old County Home Road  
Oshesville, North Carolina 28809  
828-225-0502  
www.edholmesurveying.com

**Topographic Map:**  
Spatial Data, Inc.  
1008 Hutton Lane, Suite 109  
High Point, North Carolina 27828  
938-841-1247  
www.spatialde.com



**Owner/Developer:**  
Seven Falls, LLC  
P.O. Box 5778  
Asheville, North Carolina 28813  
Mountain Development Co., LLC  
208 Folkstone Lane  
Asheville, North Carolina 28704

**WILLIAM G. LAPSLEY & ASSOCIATES P.A.**  
Consulting Engineers & Land Planners  
1805 Asheville Highway  
Post Office Box 548  
Hendersonville, North Carolina 28093  
888-807-7354 • Fax 888-687-7353

### Revisions

date: 3/07  
job: 07108  
drawn: KHC



**WILLIAM G. LAPSLEY & ASSOCIATES P.A.**  
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HENDERSONVILLE, NORTH CAROLINA

**SEVEN FALLS  
GOLF & RIVER CLUB  
HENDERSON COUNTY  
NORTH CAROLINA**

**PROPOSED - PHASE I  
SITE DEVELOPMENT PLAN  
EAST SECTION**

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4 of 25

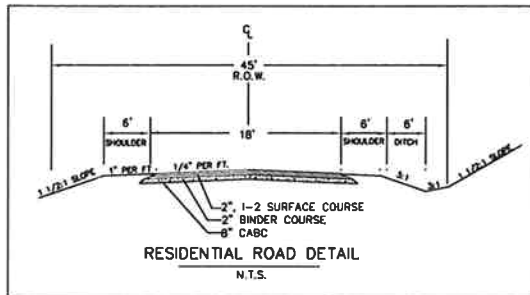
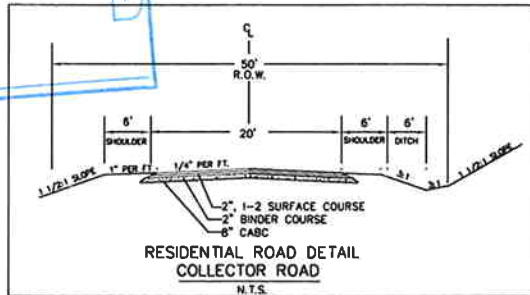
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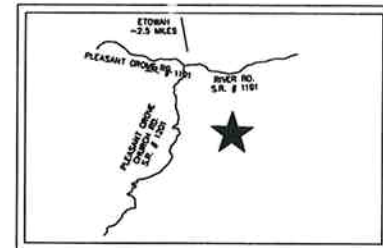
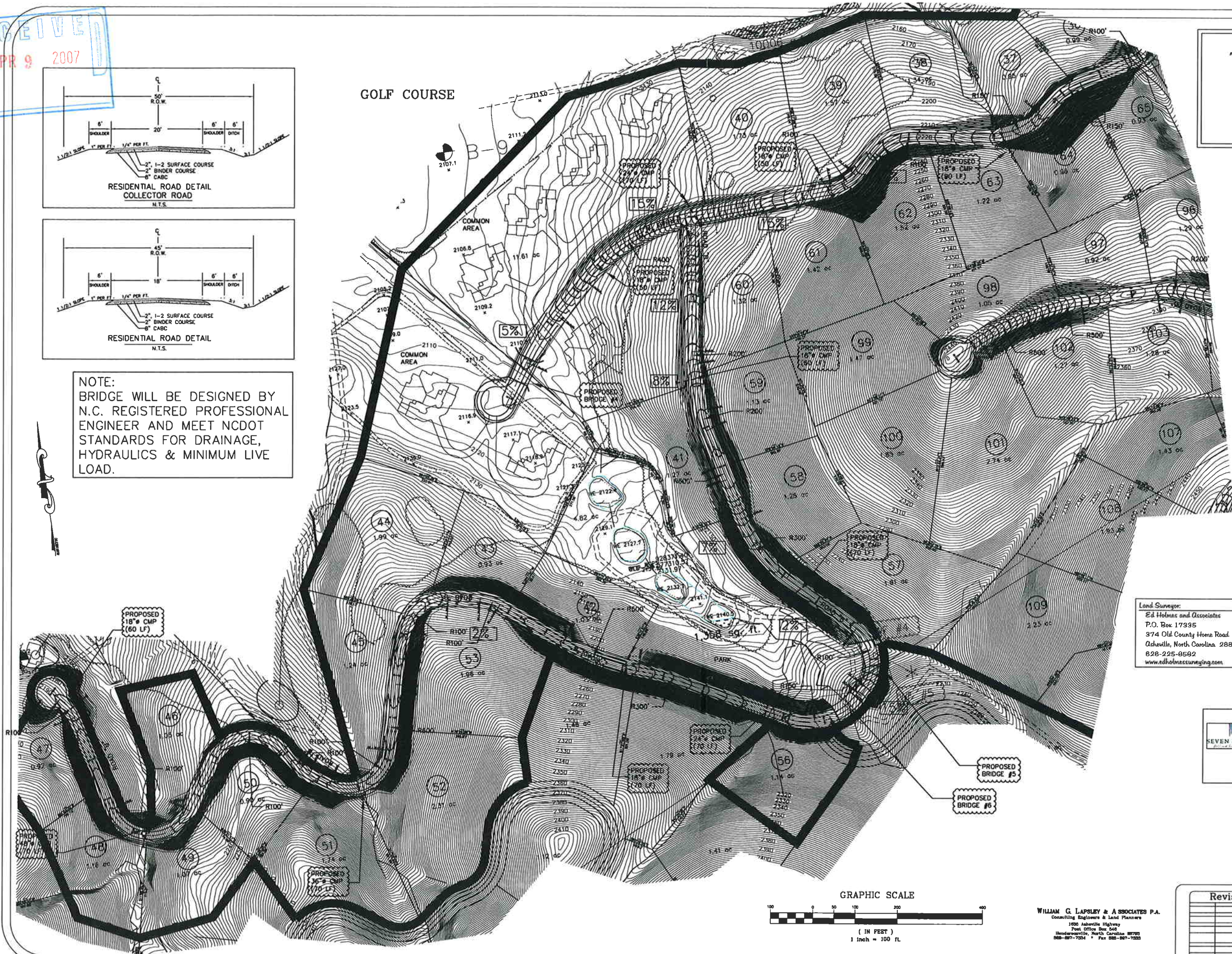


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## GOLF COURSE

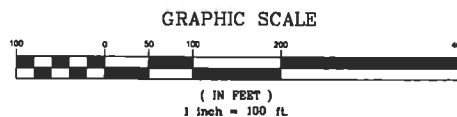


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Revisions

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